## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA **CHARLOTTE DIVISION**

DOCKET NO. 3:19-cr-00128-FDW-DSC

UNITED STATES OF AMERICA,	)
	)
	)
VS.	)
	) ORDER
NEVADA T. BEARD,	)
	)
Defendant.	)
	_ )

THIS MATTER is before the Court on Defendant's pro se Motion, which asks this Court to "consider the time while on home confinement prior to self-reporting to go towards my time given for my 90 day sentencing of home confinement." (Doc. No. 17, p. 1). The return address on Defendant's motion indicates he is located at the Ashland Federal Correctional Institution in Ashland, Kentucky. (Doc. No. 17, p. 2). It is well-settled that the Bureau of Prisons, on behalf of the Attorney General, is responsible for calculating federal terms of imprisonment, including computation of amount of credit after taking custody of the sentenced federal offender. United States v. Wilson, 503 U.S. 329, 331, 334-35 (1992). And, as the Fourth Circuit has explained, "A claim for credit against a sentence attacks the computation and execution of the sentence rather than the sentence itself. Judicial review must be sought under 28 U.S.C. § 2241 in the district of confinement rather than in the sentencing court." United States v. Miller, 871 F.2d 488, 490 (4th Cir. 1989); see also Fontanez v. O'Brien, 807 F.3d 84, 85 (4th Cir. 2015). Accordingly, Defendant's Motion is DENIED WITHOUT PREJUDICE to be raised in the appropriate district.

IT IS THEREFORE ORDERED that Defendant's Motion, (Doc. No. 17), is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Signed: December 17, 2021

Frank D. Whitney

United States District Judge